

Appendix A: Agency Letters



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
PAS 1781.2149.3363

April 7, 2005

David J. Castanon, Chief
North Coast Section, Regulatory Branch
U.S. Army Corps of Engineers
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Subject: Concurrence Request for Issuance of a Regional General Permit for Beach Nourishment Activities.

Dear Mr. Castanon:

We have reviewed your letter, received by us on March 15, 2005, requesting our concurrence with your determination that the proposed beach nourishment activities are not likely to adversely affect the California least tern (*Sterna antillarum browni*), western snowy plover (*Charadrius alexandrinus nivosus*), California brown pelican (*Pelecanus occidentalis californianus*), or tidewater goby (*Eucyclogobius newberryi*).

The Army Corps of Engineers (Corps) proposes to issue a regional general permit (RGP) for beach nourishment activities subject to the Corps' authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act within the Los Angeles District (LAD). All projects that meet the conditions outlined in the RGP may proceed under a Notice to Proceed. All other projects that do not meet these conditions would require a Standard Individual Permit. Prior to issuing a Notice to Proceed for qualifying activities, the Corps will circulate project-specific pre-construction notices to the U.S. Fish and Wildlife Service (Service) that would include all relevant information on project logistics.

The RGP covers beach nourishment activities involving discharges of dredged or upland source material on the coastline. Beach nourishment activities address sediment deficits and coastal erosion on the local beaches. Additionally, beach nourishment provides an opportunity for beneficial reuse of dredged material in concert with State policies and the Corps' program for Regional Sediment Management. The proposed project is intended to simulate the natural beach nourishment processes that have been displaced by human activities. However, the sand would be deposited directly on the beaches and would be carried from there to the ocean and downcoast beaches.

David J. Castanon, Chief

2

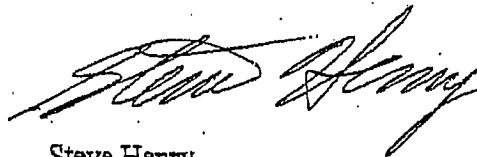
You have proposed many minimization measures for beach nourishment activities, including the following:

1. No activities authorized under this RGP will be conducted within 500 yards of breeding western snowy plover from March 1 through September 30.
2. No activities authorized under this RGP will adversely impact Essential Fish Habitat, including the burying of kelp or other marine vegetation that provides forage base for western snowy plover
3. No activities authorized under this RGP will be conducted within 1,000 yards of a California least tern breeding colony from April 1 through September 30.
4. Activities will avoid wintering concentrations of western snowy plovers.
5. Activities will avoid impacts to light-footed clapper rail habitat and avoid conducting activities within 500 yards of occupied rail habitat during the breeding season.
6. Avoid activities within any estuary or lagoon.
7. In order to avoid impacts to the grunion, dredging and deposition of material should be restricted to the period between September 1 and February 28. If dredging outside this window is required, applicants will be required to assess a schedule of predicted runs, and limit disposal activities to 24 to 72 hours prior to a predicted run. Discharges will not be allowed immediately following a documented run.

In sum, we concur with your determination that issuance of a RGP for beach nourishment activities within the LAD is not likely to adversely affect the California least tern, western snowy plover, California brown pelican, or tidewater goby in all areas within the jurisdiction of the Ventura Fish and Wildlife Office. We came to this decision because of the terms and conditions outlined in the RGP and the additional restrictions agreed to by the Corps and the Services' Ventura and Carlsbad Field Offices.

If you have any questions, please feel free to contact Nic Huber of my staff at (805) 644-1766.

Sincerely,



Steve Henry
Assistant Field Supervisor
San Luis Obispo/Northern Santa Barbara



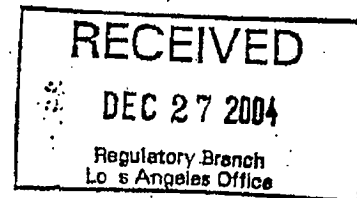
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

DEC 22 2004

F/SWR4:WBC

U.S. Army Corps of Engineers
Los Angeles District
Regulatory Branch
ATTN: CESPL-XXXX
P.O. Box 532711
Los Angeles, California 90053-2325



Dear Mr. Burnam:

The National Marine Fisheries Service (NOAA Fisheries) has reviewed the Army Corps of Engineers' (Corps) Special Public Notice (SPN) for a Regional General Permit (RGP) for Beach Nourishment Projects occurring within the jurisdictional areas of the Corps' Los Angeles District office. In addition, we have reviewed the Corps' November 10, 2004, letter requesting concurrence with your preliminary determinations regarding potential effects to Essential Fish Habitat (EFH). NOAA Fisheries offers the following comments pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

The proposed activity described in the SPN is intended to streamline the regulatory procedures for permitting beach nourishment activities. Specifically, it describes various conditions in which a proposed beach nourishment project could proceed under a Notice to Proceed. Under this scenario, a Pre-Construction Notification (PCN) would be sent to NOAA Fisheries and other relevant resource agencies for a brief 15-day comment period. Applicants would be required to 1) provide a Draft Sampling and Analysis Plan for Tiered testing pursuant to the Inland Testing Manual (ITM); 2) address the aesthetic qualities of the proposed discharge material; 3) submit a draft Special Aquatic Site Survey (SAS Survey), including a pre- and post-project monitoring plan and proposal for mitigation for any SAS impacts in the vicinity; and, 4) provide a sediment budget analysis.

Based upon the results of the above information requirements, the Corps is proposing that a project could qualify for the RGP if it meets the following conditions:

1. Meet the Corps' District Policy for beach nourishment grain size compatibility of materials comprised of at least 75% sand and less than 10% sand difference from the receiving beach.
2. Test clean per the requirements of the ITM, or be categorically excluded from testing according to the 40 CFR exclusions.



3. Have no negative aesthetic impact on the receiving beach.
4. Not adversely impact any SAS and/or provide adequate mitigation and post-project monitoring to address such impacts in consultation with NOAA Fisheries.
5. Not affect any Federally listed threatened or endangered species, or affect but not adversely affect such a species in consultation with the U.S. Fish and Wildlife Service.
6. Prove a need for the discharge with sediment budget analyses.
7. Meet any additional data needs requested by the agencies concerning upland source material.

If the project met these conditions, then the Corps would prepare a PCN transmittal to elicit comments from NOAA Fisheries and other relevant resource agencies. The SPN also provides a number of special conditions which would be included as provisions within the PCN. Projects that do not meet these conditions, or those involving substantial resource issues and/or concerns from resource agencies would require a Standard Individual Permit.

The proposed activities, which this RGP would cover, occur within EFH for Federally managed fish species under the Coastal Pelagics and Pacific Groundfish Fishery Management Plans. NOAA Fisheries is concerned that the proposed activities may adversely affect sensitive habitat such as algal beds, seagrasses, rocky reefs, and grunion spawning areas from the increased turbidity and sedimentation associated with deposition of sand in the nearshore environment. In addition, impacts to invertebrate communities resulting from burial may also occur in intertidal and subtidal sandy beach habitat. Therefore, for the purpose of conducting EFH consultations, NOAA Fisheries believes the proposed activities may adversely affect EFH. However, NOAA Fisheries acknowledges that activities not adversely affecting the sensitive habitat types listed above would likely have only temporary and minimal adverse effects to EFH. NOAA Fisheries is generally supportive of this streamlining concept and encourages the Corps to consider addressing these projects via an EFH General Concurrence and/or EFH Programmatic Consultation. In the meantime, pursuant to Section 305(b)(4)(A) of the MSFCMA, NOAA Fisheries offers the following procedural EFH Conservation Recommendations to promote avoidance, minimization, and offsetting measures for those activities that would adversely affect EFH.

EFH Conservation Recommendations

1. Condition #4, as described above, should be amended to consider only those projects that would not adversely impact sensitive habitat (i.e., seagrass beds, algal beds, rocky reef, and grunion spawning areas) for the streamlined PCN approach. Projects with potential impacts to sensitive habitat that include mitigation and post-project monitoring should be handled through a Standard

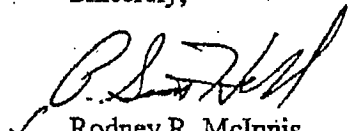
Individual Permit, which would provide for an EFH consultation that is consistent with the finding between NOAA Fisheries and the Corps.

2. Special Condition #4, as described in the SPN, should be amended to require the SAS Survey also be submitted to NOAA Fisheries and other interested resource agencies for review at least 30 days prior to the project commencing. This will facilitate an analysis by the resource agencies of potential effects to marine resources early in the permit process, thereby streamlining consultation procedures.
3. Post-Discharge Condition #10, as described in the SPN, should be amended to require the results of post-project monitoring also be submitted to NOAA Fisheries and other interested resource agencies for review within 30 days of the discharge. Concurrent notification to the Corps, NOAA Fisheries, and other interested resource agencies will facilitate a more timely response.
4. If post-project monitoring demonstrates adverse effects to sensitive habitat, any additional monitoring and/or mitigation plans should be developed by the Corps in consultation with NOAA Fisheries and other interested resource agencies. NOAA Fisheries' input into additional monitoring and/or mitigation will help ensure that adverse effects to EFH are avoided, minimized, and/or offset.

Please be advised that regulations at Section 305(b)(4)(B) and 50 CFR 600.920(k) of the MSFCMA require your office to provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action cannot be completed within 30 days. Your final response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If your response is inconsistent with our EFH Conservation Recommendations, you must provide an explanation of the reasons for not implementing those recommendations.

Thank you for consideration of our recommendations. Should you have any questions, please contact Bryant Chesney at 562-980-4037 or Bryant.Chesney@noaa.gov.

Sincerely,


for Rodney R. McInnis
Regional Administrator

Appendix B: Draft RGP Public Notice



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

REGULATORY BRANCH, LOS ANGELES DISTRICT
PROPOSAL FOR REGIONAL GENERAL PERMIT
FOR BEACH NOURISHMENT PROJECTS

LOS ANGELES DISTRICT

Public Notice/Application No.: 200401896-JLB

Comment Period: November 8th, 2004 to December 22nd, 2004 (45 Days)

Proponent

Regulatory Branch, Los Angeles District, USACE

Contact: Joshua L. Burnam

Phone: (213) 452-3294

Email: Joshua.L.Burnam@usace.army.mil

Geographic Area

The proposed RGP covers beach nourishment activities involving discharges of dredged or upland source material on the coastline within the Los Angeles District.

Activity

The Regulatory Branch, Los Angeles District ("LAD") proposes to streamline the Regulatory procedures in place for permitting of beach nourishment activities subject to the Corps' authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act within LAD. The Corps recognizes beach nourishment as necessary to address sediment deficits and coastal erosion on our local beaches, and beach nourishment projects provide an opportunity for beneficial reuse of dredged material in concert with State policies and the Corps' program for Regional Sediment Management (RSM).

Currently, beach nourishment activities derive material from dredge projects, and from upland sources. LAD seeks to streamline the Regulatory framework and standardize Special Conditions ("Conditions") across the District, thereby protecting aquatic resources and simultaneously decreasing the processing time for projects meeting the requirements for authorized projects presented later in this Public Notice. LAD proposes to establish this RGP whereby projects meeting the Conditions may proceed under a Notice to Proceed, and all other projects, or those involving substantial resource issues and/or comments from agencies would require a Standard Individual Permit.

Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-XXXX
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: Joshua.L.Burnam@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- A 401 Water Quality Certification would be required from the State Water Resources Control Board ("SWRCB") prior to the issuance of any permit.

Coastal Zone Management- The Corps proposes that any beach nourishment activity later pursued pursuant to this RGP would require Coastal Consistency Certification from the California Coastal Commission.

Cultural Resources- The latest version of the National Register of Historic Places would be consulted prior to any discharge. In addition, an archaeological records search will be required. If the Corps determines there are sites eligible for listing in the National Register of Historic Places located within our scope of analysis for any proposed discharge, we will then initiate consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Endangered Species- The California least tern, *Sterna antillarum browni*, and the California brown pelican, *Pelecanus occidentalis californianus*, may use areas within the vicinity of proposed discharges, and the need for consultations pursuant to Section 7 of the Endangered Species Act would need to be evaluated. However, project activities generally would consist of temporary placements of fill on beach sites as opportunities occur, which would produce short term increases in turbidity in the project vicinity. Turbidity would be expected to return to baseline immediately following discharge activities. Therefore, water quality impacts would be short-term and less than significant and would not affect foraging opportunities for either species. Additionally, it is not expected that temporary turbidity increases would effect prey populations supporting the species. Therefore, the Corps has preliminarily determined that the proposed RGP is not likely to adversely to affect either species. To ensure compliance with the ESA, the Corps would make more detailed

project-specific determinations of effect and the need for conditions, such as seasonal restrictions, on a case-by-case basis and include that information in a PCN transmittal.

The Western snowy plover, *Charadrius alexandrinus nivosus*, a federal listed species, is a resident to southern California. The plover nests typically in flat, open areas with sandy or saline substrates. Snowy plovers forage on invertebrates in the wet sand and amongst the surf-cast kelp within the inter-tidal zone; in the dry, sandy areas above the high tide; on salt pans; and along the edges of salt marshes and salt ponds. Snowy plovers typically forage in areas with little or no human activity; plovers generally avoid areas of high activity, especially where human use is relatively high. As project beaches are routinely maintained by earth-moving equipment and supports relatively high recreational use, the potential impact area is not expected (or not known) to support foraging habitat for the Western snowy plover. Therefore, the Corps has preliminarily determined that the proposed RGP is not likely to adversely affect the plover. To ensure compliance with the ESA, the Corps would make more detailed project-specific determinations of effect and the need for conditions, such as seasonal restrictions, on a case-by-case basis and include that information in a PCN transmittal.

The tidewater goby, *Eucyclogobius newberryi*, a fish that occurs in tidal streams associated with coastal wetlands in California, is not expected to be impacted by any short-term increases in turbidity which would result from proposed discharges. Therefore, preliminary determinations indicate that project activities would have no effect on the goby. To ensure compliance with the ESA, the Corps would make more detailed project-specific determinations for each proposed use of the RGP and include that information in a PCN transmittal.

With this Public Notice, the Corps hereby requests concurrence or non-concurrence with the above determinations from the USFWS and NOAA Fisheries.

Magnuson-Stevens Fishery Conservation and Management Act (MSEFCMA) - Essential Fish Habitat (EFH) EFH determinations would be made on a case by case basis and would depend on the results of a require Special Aquatic Site ("SAS") survey for the project area. Surveys would be designed to identify the habitat types immediately adjacent and downcoast of the proposed discharge, as well as delineate any SASs with potential to be impacted by the proposed discharge, such as eelgrass beds. A plan would be required for pre- and post-project monitoring for potential affects to SASs, if any are determined to exist in the project area. Proposed activities could result in adverse impacts to EFH at the disposal sites, namely resulting from habitat and species burial due to sediment deposition. With respect to turbidity, most aquatic organisms are able to cope with the predicted fluctuations. For example, motile organisms, such as fishes, generally will avoid the turbidity plumes. However, some organisms are not able to easily adapt to increased turbidity, for example, light sensitive resources. Light sensitive resources typically include high relief reef and low relief vegetated reefs, with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass. While these resources may be present offshore of proposed discharge sites, it is not likely that proposed projects would decrease light passage through the water column more than would naturally occurring storms. Consequently, project-associated turbidity should not adversely affect these biological resources. In addition to inhibiting light, turbidity and deposition result in the physical burial of benthic species and habitat. Monitoring data from the Ponto Beach discharge in 1998 ((University of Southern California (USC) & California Department of Boating and Waterways (CDBW), *The Fate of Fine Sediments In A Suspension Plume: Ponto Beach, California: A Report of Findings*, April 1998), for 10,000 cy of sediment with 18% fines discharged directly into the surf-zone indicated that only a fine layer of sediment covered the bottom floor. Based on these results, the proposed discharges may result in a small amount of burial, typically less than an inch, over the inter- and sub-tidal floor. Buried habitat would be recolonized rapidly (weeks to a few years depending on habitat type). Mitigation pursuant to the Southern California Eelgrass Mitigation Policy may be required if eelgrass beds are located offshore and/or downcoast of the site and subsequent monitoring determines there has been an adverse effect on the bed. Therefore, the Corps has preliminarily determined that discharges pursuant to the proposed discharge would not adversely affect EFH. The Corps would make more detailed project-specific determinations for each proposed use of the RGP and include that information in a PCN transmittal, including

the results of required pre-project SAS surveys (required for a complete application).

Grunion Fishery: The grunion, *Leuresthes tenuis*, is a local species known to occur predominantly along the southern California coast. Grunion will use sandy beaches for spawning, between late March and early September. As construction could overlap with grunion activity, pre-project surveys would be conducted to identify beach suitability for grunion activity. Based on the survey findings, appropriate measures would be taken, if necessary, to avoid impacts on the grunion spawn. As such, the proposed RGP would not be predicted to affect spawning activities.

Commercial/Recreational Fishery Concerns: Lobster. Regionally, lobster is the most important commercial species in terms of value and one of the top species hunted for by recreational divers. Although project impacts are not predicted to have direct impacts on the fisheries, it could have indirect impacts if surfgrass or hard-bottom habitat is impacted. Juvenile lobster use the near-shore environment for one to two years; they are dependent upon the surfgrass and hard-bottom reef habitats as a nursery area and a refuge from predation. Consequently, the effects of the beach nourishment activities could affect the overall success of juvenile lobsters. However, as indicated above, impacts to EFH resources are expected to be minimal.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The Regulatory Branch, Los Angeles District ("LAD") proposes to streamline the Regulatory procedures in place for permitting of beach nourishment activities subject to the Corps' authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act within LAD. The Corps recognizes beach nourishment as necessary to address sediment deficits and coastal erosion on our local beaches, and a need to provide an opportunity for beneficial reuse of dredged material in concert with State policies and the Corps' program for Regional Sediment Management (RSM).

Currently, beach nourishment activities derive material from dredge projects, and from upland sources. LAD seeks to streamline the Regulatory framework and standardize Special Conditions ("Conditions") across the District, thereby protecting aquatic resources and simultaneously decreasing the processing time for projects meeting the requirements for authorized projects presented later in this Public Notice. LAD proposes to establish this RGP whereby projects meeting the Conditions may proceed under a Notice to Proceed, and all other projects, or those involving substantial resource issues and/or comments from agencies would require a Standard Individual Permit.

Additional Project Information

The RGP is designed to obtain fill from upland construction or dredging projects in the region and place it on local beaches for nourishment purposes. In order to qualify for the RGP and subsequent issuance of a Notice to Proceed, an applicant would be required to submit the following information as part of a complete application:

- 1) A Draft Sampling and Analysis Plan (SAP) for Tiered testing pursuant to the Inland Testing Manual (ITM). The SAP would be reviewed and approved by the Corps of Engineers and be reviewed by the US EPA. The SAP would address tiered testing requirements and sieve analyses. The applicant would be required to examine the source material (upland or dredged) and the receiving beach. In some cases, for dredging projects, the source material may have been separately surveyed as part of a separate 404/10 authorization for the dredging project itself.

- 2) The applicant would need to address the aesthetic qualities of the proposed discharge material, and compare those qualities to the receiving beach in a qualitative fashion.
- 3) A Draft Special Aquatic Site Survey (SAS Survey), including a pre- and post-project monitoring plan and proposal for mitigation for any SAS impacts in the vicinity. The survey would be required to identify the habitat types immediately adjacent and downcoast of the proposed discharge, as well as delineate any SASs with potential to be impacted by the proposed discharge, if any. For purposes of this RGP, SASs are defined to include eelgrass beds, high-relief reef and low-relief vegetated reefs, with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass. The plan would also contain proposed pre- and post-project monitoring procedures to monitor potential effects to SASs, if any exist in the project area. The SAP would be subject to review and comment from the Corps of Engineers, NOAA Fisheries, and the appropriate Regional Water Board if any SAS is located within the project vicinity.
- 4) Sediment Budget analysis. The applicant would be required to demonstrate the need for placement of the beach nourishment material at the location proposed based on (1) pre-project sediment budget analysis or (2) known sediment budget data for the receiving beach from a reasonably recent study. The applicant should be able to demonstrate a net loss of sediment deposition over the project area, and thus that local beach profiles reflect these conditions and show the effects of erosion.

Were any adverse impacts to EFH or threatened or endangered species to be identified, the Corps would initiate the required consultations with the resource agencies. If, based on the results of the above requirements, and any required consultations, a project were found to:

- Meet the Corps District Policy for beach nourishment grain size compatibility of materials comprised of at least 75% sand and less than 10% sand difference from the receiving beach;
- Test clean per the requirements of the ITM, or be categorically excluded from testing according to the 40 CFR exclusions;
- Have no negative aesthetic impact on the receiving beach;
- Not adversely impact any SAS and/or provide adequate mitigation and post-project monitoring to address such impacts in consultation with NOAA Fisheries;
- Not affect any Federally listed threatened or endangered species, or affect but not adversely affect such a species in consultation with the US Fish and Wildlife Service;
- Prove a need for the discharge with sediment budget analyses;
- Meet any additional data needs requested by the agencies concerning upland source material;

the project would then qualify for the RGP. The Corps would prepare a PCN transmittal containing detailed information pursuant to the list above, and this transmittal would be provided to: the California Coastal Commission; State Department of Fish and Game; State Water Resources Control Board; US EPA; NOAA Fisheries, and US FWS. Once 401 Certification (if required) and CCC consistency certification were received, the Corps would issue a final NTP for the discharge.

Projects not meeting the above criteria would be required to submit an application for a Standard Individual Permit.

Proposed Special Conditions-

- 1) Discharges of fill material into waters of the U.S. authorized in this permit shall be limited to the volume and grain size distribution specified on a case-by-case basis. No discharge of fill material into waters of the U.S. is authorized for any single proposed project until the Corps has provided a Final NTP according to the requirements below.
 - a. The applicant is required to submit to the Corps and the US EPA and receive written approval from the Corps for a sampling and analysis plan (SAP) for each proposed use of this permit. The SAP will be in accordance with standard ITM tiered testing procedures and will include testing at the source and proposed discharge site (one of the sites approved under this permit). The SAP would also address sieve analysis.
 - b. The results of the SAP will be submitted to the Corps, EPA, and appropriate Regional Water Board for review and approval.
- 2) If source material is to be dredged from Section 10 waters of the U.S., separate authorization under Sections 10 and/or 404 of the Clean water Act will be required. If source material is to be dredged/excavated from non-Section 10 waters of the U.S., separate authorization under Section 404 of the Clean water Act may be required.
- 3) Materials derived from upland sources must be discharged in the surf-zone, subject to other applicable restrictions (location, timing).
- 4) A Draft Special Aquatic Site Survey (SAS Survey) including a detailed pre- and post-project monitoring and mitigation plan for impacts as required will be submitted for Corps review and approval at least 30 days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval of the plan from the Corps. The plan shall identify monitoring and reporting protocol to evaluate potential changes in turbidity/sedimentation, water quality, and/or biology within the proposed discharge site and the adjacent offshore area., and contingency operations in the event such changes are detected.
- 5) A detailed discussion of the aesthetic qualities of the proposed discharge.
- 6) A detailed sediment budget analysis based on (1) pre-project sediment budget analysis or (2) known sediment budget data for the receiving beach from a reasonably recent study. The applicant should be able to demonstrate a net loss of sediment deposition over the project area, and thus that local beach profiles reflect these conditions and show the effects of erosion.
- 7) A detailed description of the transport and discharge operations authorized by this permit will be submitted to the Corps at least 30 days prior to work in waters of the U.S. Description of the transport and discharge operations should include, at a minimum, the following:
 - a. Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge.
 - b. A schedule showing when the beach nourishment project is planned to begin and end.
 - c. A debris management plan to prevent disposal of large debris at all discharge locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.
 - d. The plan shall include the volume of material to be excavated and discharged.

- e. The plan shall list the applicant's previous discharges by site, date, and volume, as well as the total volume of material which has been excavated and discharged to date, using this Regional General Permit.

Once the Corps has received the information required in Special Conditions 1 through 6 above, verified compliance with the terms and conditions, and completed any required consultations for adverse impacts to EFH or effects to ESA, the Corps would prepare an NTP transmittal letter as described above.

Post-discharge Conditions:

- 8) If a violation of any permit condition occurs during discharge operations, the permittee shall report such violations to the Los Angeles District's Regulatory Branch and the appropriate Regional Water Board within twenty-four (24) hours after the violation occurs. If the permittee retains any contractors to perform any activity authorized by this permit or to monitor compliance with this permit, the permittee shall instruct all such contractors that notice of any permit violations must be provided to the permittee immediately so the permittee can report the violation as required.
- 9) The permittee shall send one (1) copy a post-discharge report to the Los Angeles District's Regulatory Branch and the appropriate Regional Water Board documenting compliance with all general and special conditions defined in this permit. The post-discharge report shall be sent within 30 days after completion of the discharge operations authorized in this permit. The report shall include:
 - a. All information collected by the permittee as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
 - b. The post-discharge report shall include the following information:
 - i. Corps permit number.
 - ii. Identify source of material
 - iii. Total cubic yards disposed at each discharge site.
 - iv. Modes of transportation and discharge.
 - v. Form of discharged material and percent sand, silt and clay in the dredged material.
 - vi. Actual start date and completion date of transport and discharge operations.
 - vii. Monitoring results.
- 10) The applicant will submit the results of post-project monitoring, as required, within 30 days of the discharge. Based on pre- and post-project monitoring results, the Corps will determine the level of impact and if additional resource monitoring is warranted. If additional monitoring is required, the Corps will notify the permittee of this requirement and the permittee shall submit a supplemental monitoring plan for Corps review and approval within 30 days of notification by the Corps and shall conduct the additional monitoring as approved. If the Corps determines no impacts, the monitoring program may be terminated at that time. If additional monitoring is required, the conditions of the original monitoring plan remain in effect until the supplemental plan is completed.
- 11) This permit does not authorize significant impacts to aquatic resources. Based on pre- and post-project monitoring results, the Corps will determine if impacts to aquatic resources have occurred and if mitigation is required. Any required mitigation would be the responsibility of the applicant and failure to implement Corps-specified mitigation would result in enforcement proceedings.
- 12) The applicant will implement all standard BMPs.

13) The applicant will establish a safety flag perimeter of the beach nourishment area during disposal activities, and monitor the premises to protect the general public from construction hazards and equipment.

14) No maintenance, storage, or fueling of heavy tracked equipment or vehicles will occur within 500 feet of the high tide line of waters of the US.

For additional information please call Joshua L. Burnam of my staff at (213) 452-3294. This public notice is issued by the Chief, Regulatory Branch.

Appendix C: List of Acronyms

AAQS	Federal Ambient Air Quality Standard
ASBS	Areas of Special Biological Significance
Certification	401 Water Quality Certification
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CDFG	California Department of Fish and Game
CNDDDB	California Natural Diversity Database
CORPS	U.S. Army Corps of Engineers
CSMW	Coastal Sediment Management Workgroup
CWA	Clean Water Act
EFH	Essential Fish Habitat (Magnuson-Stevens Act, 16 U.S.C. 1801 et seq.)
EIR	Environmental Impact Report
Hazmat	Hazardous Material
IS/MND	Initial Study/Mitigated Negative Declaration
ITM	Army Corps of Engineers Inland Testing Manual
LAD	Army Corps of Engineers, Los Angeles District
MMRP	Army Corps of Engineers, Regional General Permit 67 Mitigation and Monitoring Reporting Plan
NOAA Fisheries	National Oceanic and Atmospheric Administration's National Marine Fisheries Service
NOx	Nitrogen Oxide
NTP	Army Corps of Engineers, Regional General Permit 67 Notice to Proceed
PCN	Army Corps of Engineers Regional General Permit 67 Pre-Construction Notification
PRC	Public Resources Code
PM10	Particulate Matter with an aerodynamic diameter of 10 microns or less
RGP 67	Regional General Permit No. 67
RHA	Rivers and Harbors Act of 1899
ROG	Reactive Organic Gases
RSM	Army Corps of Engineers Program for Regional Sediment Management
SAP	Regional General Permit 67 Sampling and Analysis Plan
SAR	Sensitive Aquatic Resources
SAS	Special Aquatic Site
SCB	Southern California Bight California Brown Pelican population
SHPO	State Historic Preservation Office
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

Appendix D: Walker Scale (Grunion)

The Walker Scale for Assessment of Grunion Runs
 Developed by K. Martin, M. Schaadt, and S. Laurenz-Miller, 2001

Scale	Numbers of grunion	Duration	Descriptor
W-0	no fish or only a few individuals, no spawning	under 1 hr	not a run
W-1	10 --100 fish scattered on beach at a time, some spawning	under 1 hr	light run
W-2	100 – 500 fish spawning at different times, fish ashore with many of the large waves	under 1 hr	good run
W-3	Hundreds of fish spawning at once in several areas of beach	to 1 hr	strong run
W-4	Thousands of fish together, little sand visible between fish	to 1 hr	excellent run
W-5	Fish covering the beach several individuals deep, a silver lining along the surf	more than 1 hr	incredible run

Appendix E: Annotated Comment Letters

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890
Contact FAX: (916) 574-1885

November 14, 2005

File Ref: SCH#2005101086

Ms. Nadell Gayou
The Resources Agency
901 P Street
Sacramento, CA 95814

Bill Orme
Water Quality Certification and Wetlands Unit
Division of Water Quality
State Water Resources Control Board
1001 I Street, 15th Floor, #55C
Sacramento, CA 95814

Dear Ms. Gayou and Mr. Orme:

SUBJECT: Draft Mitigated Negative Declaration, U.S. Army Corps Regional
General Permit 67, Opportunistic Beach Nourishment, Southern
California, SCH 2005101086

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the California Environmental Quality Act (CEQA), the State Water Resources Control Board (Board), is the Lead Agency and the CSLC is a Responsible and/ or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

As general background, the CSLC has jurisdiction and authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The CSLC has an oversight responsibility for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code Section 6301). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc. are impressed with the Common Law Public Trust.

The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these

lands to waterborne commerce; navigation, fisheries, open space, recreation, or other recognized Public Trust purposes. A lease from the CSLC is required for any portion of a project extending onto state-owned sovereign lands, which are under its exclusive jurisdiction.

The document addresses the potential environmental impacts of a proposal by the Los Angeles District of the U. S. Army Corps of Engineers (Corps) to streamline the regulatory procedures for permitting beach nourishment activities subject to the Corps' authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The jurisdiction of the Los Angeles District extends from Morro Bay south to the Mexican border. The Corps is proposing to establish Regional General Permit 67, whereby projects meeting certain conditions may proceed under a project specific notice to proceed. The purpose is to capitalize on opportunities to obtain beach-quality sand from construction projects and other sources when it becomes available. A standard individual permit will still be required for any project that receives significant comments from public agencies. The CSLC should be listed as a Responsible/Trustee Agency in Section 2.8 Discretionary Approvals.

Should CSLC staff determine that a specific project falls within its leasing jurisdiction, the project proponent would have to submit an application for a lease. The CSLC's process can take a minimum of two to four months to complete. As we understand it, that would disqualify a project from consideration by the Corps under RGP 67.

1.1

Thank you for the opportunity to comment. If you have any questions concerning the CSLC's jurisdiction please contact Jane E. Smith, Public Land Management Specialist, at (916) 574-1892.

Sincerely,



Stephen L. Jenkins, Asst. Chief
Division of Environmental Planning
and Management


cc: John Burniam
Los Angeles District
Regulatory Branch
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325



Memorandum

Date: November 16, 2005

To: Bill Orme
Water Quality Certification and Wetlands Unit
Division of Water Quality, State Water Board
1001 I Street, 15th Floor, #55C
Sacramento, CA 95814

From: Thomas Napoli 
Staff Environmental Scientist
Department of Fish and Game
Marine Region- Los Alamitos

Subject: Comments on the U.S. Army Corps Regional General Permit 67 Opportunistic Beach Nourishment, Southern California

The Department of Fish and Game (Department) has reviewed the State Water Resources Control Board's Draft Initial Study and Mitigated Negative Declaration (MND) for U.S. Army Corps' Regional General Permit (RGP) 67 for Opportunistic Beach Nourishment in Southern California (SCH No. 2005101086). Corps' Los Angeles Regulatory Division is proposing to streamline regulatory procedures for permitting beach nourishment projects from Morro Bay to the Mexican border. RGP 67 is intended to obtain excess sand from upland construction or dredging projects and place it on local beaches experiencing sediment deficits and coastal erosion. The RGP would require an applicant to submit the following information as part of their application: a Draft Sampling and Analysis Plan for sediment testing (pursuant to the Corps Inland Testing Manual [ITM]), a report on the aesthetic qualities of the sand, a Draft Special Aquatic Site¹ (SAS) Survey (including a pre- and post- project mitigation and monitoring plan), a Sediment Budget Analysis, a Biological Impact Report detailing how the project would avoid impacts to listed species, and a Transport and Discharge Plan.

To obtain permit approval and qualify for RGP 67, nourishment material would need to be at least 75% sand and be within 10% of the sand on the receiving beach, test clean pursuant to the ITM, and have no aesthetic impacts. The applicant would have to demonstrate a need for the nourishment with sediment budget analyses. Additionally, the disposal must not adversely impact any SAS or listed plants and animals (if it did, mitigation and monitoring must be provided), and must meet any data needs requested by the reviewing agencies. Finally, the applicant would need a Coastal Consistency Determination and would need to demonstrate that discharges comply with the California Ocean Plan and Regional Basin Plans. Once a project met the above conditions the Corps would send a Pre-Construction Notification detailing project specific information to the Department, Coastal Commission, State Water

¹ For the RGP 67, SASs include eelgrass beds, high and low relief reefs, and low relief reefs with giant and feather boa kelp, sea fans, sea palms and surfgrass

Board, U.S. Environmental Protection Agency, NOAA Fisheries and the U.S. Fish & Wildlife Service, for review and comment. Projects not meeting conditions outlined in the RGP or those with considerable resource issues would be required to apply for a standard individual permit.

The Department is providing comments on the MND as a trustee agency. As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. In this capacity, the Department administers the California Endangered Species Act (CESA), the Native Plant Protection Act, and other provisions of the California Fish and Game Code that afford protection to the State's fish and wildlife trust resources (CEQA Guidelines Section 15386). We have the following comments on RGP 67.

One of the conditions of permit approval reads "Not adversely impact any SAS and/or provide adequate mitigation and post project monitoring to address such impacts in consultation with NOAA Fisheries." It is the Department's opinion that projects authorized under RGP 67 should not impact sensitive biological resources. Any project that is likely to impact sensitive marine resources should be required to apply for a standard individual permit.

2.1

- The RGP will propose special conditions that the applicant must meet. Special Condition 4 under Pre-Discharge Conditions discusses an SAS survey. If SASs are present in a project vicinity, the applicant would be required to develop a mitigation and monitoring reporting plan (MMRP). The MMRP would be subject to comments from the Corps and NOAA Fisheries. As trustee for the State's fish and wildlife resources, the Department should be included in the review of such plans. Similarly, Special Condition 13 dictates that the Corps will determine if mitigation to marine resources is required. We believe the Corps should include the Department and other agencies in such determinations.

2.2

- Special Condition 7c details activity restrictions to avoid impacts to listed plants and animals (Page 10). It states that no activities authorized under RGP 67 will be conducted within 1000 yards of a California least tern breeding colony between April 1 through August 30. The California least tern breeding season typically extends into September. Thus, this condition should be changed to read "No activities authorized under RGP 67 will be conducted within 1000 yards of a California least tern breeding colony from April 1 through September 30."

2.3

- The Department concurs with the incorporation of mitigation measure Bio-2 into Special Condition 7g, requiring Department consultation for grunion issues

2.4

In general, we believe the MND is adequate in its portrayal of impacts to fish and wildlife resources and habitats associated with RGP 67. Accordingly, we would not object to the adoption of RGP 67, as detailed in the MND, provided our above

Mr. Bill Orme
November 16, 2005
Page Three

comments are reflected in the conditions of approval and proposed special conditions.

As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

cc: State Clearinghouse Sacramento (original sent to Lead Agency)
PO Box 3044
Sacramento, CA 95812-3044

John Ugoretz
Department of Fish and Game
MR- Monterey

Marilyn Fluharty
Department of Fish and Game
MR-San Diego



CITY HALL 211 EIGHTH STREET
SEAL BEACH, CALIFORNIA 90740
(562) 431-2527 www.cityofsealbeach.org

November 17, 2005

Mr. Bill Orme, Environmental Scientist
Water Quality Certification & Wetlands Unit
Division of Water Quality
State Water Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Orme:

**SUBJECT: CITY OF SEAL BEACH COMMENTS RE: DRAFT INITIAL
STUDY/MITIGATED NEGATIVE DECLARATION – U.S.
ARMY CORPS REGIONAL GENERAL PERMIT 67,
OPPORTUNISTIC BEACH NOURISHMENT, SOUTHERN
CALIFORNIA**

The City of Seal Beach has reviewed the draft "*Initial Study/Mitigated Negative Declaration – U.S. Army Corps Regional General Permit 67, Opportunistic Beach Nourishment, Southern California*", dated October 2005. The City has reviewed the document thoroughly and believes it adequately discusses the potential environmental impacts and mitigation measures for the proposed project. The City of Seal Beach strongly supports and encourages the proposed Regional General Permit 67 and the recommended Mitigation Measures that would become conditions for the issuance of a project specific "Notice to Proceed" by the Los Angeles District of the U. S. Army Corps of Engineers. It will further the ability of local jurisdictions to conduct necessary beach nourishment projects in a timely manner.

3.1

Seal Beach has conducted opportunistic beach nourishment activities in the past both prior to and after the establishment of the California Coastal Commission. The opportunistic beach nourishment project undertaken after the establishment of the California Coastal Commission was permitted through a Coastal Development Permit application, including appropriate consultation with the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the Santa Ana Regional Water Quality Control Board. The process proposed by the State Water Board will expedite future opportunistic beach nourishment project reviews and approvals by informing all interested parties of the applicable conditions and

City of Seal Beach Comments re:
"Initial Study/Mitigated Negative Declaration –
U.S. Army Corps Regional General Permit 67,
Opportunistic Beach Nourishment, Southern California"
November 17, 2005

"bright line thresholds" that must be considered in developing any future opportunistic beach nourishment projects.

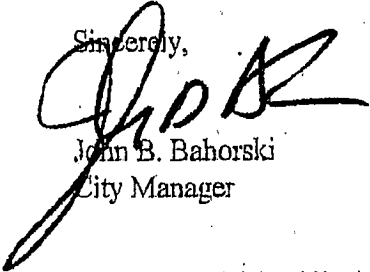
Due to the unique coastal dynamics of Seal Beach, being located between jetties for the San Gabriel River and the U. S. Naval Weapons Station Seal Beach, both the "Main Beach" at Seal Beach and the beach adjacent to the Surfside community within Seal Beach experience beach erosion on an ongoing basis. It has been estimated that the "Main Beach" experiences between 4,200 and 7,800 cubic yards of sand loss per year. Over the years opportunistic sand nourishment activities and "backpassing" of sand from one side of the beach to the other side have been able to maintain the necessary beach width to protect beachfront residential properties and provide for public recreation use of the beach.

The beach at Surfside serves as a "feeder beach" for the southerly beaches of Sunset Beach, Huntington Beach, and West Newport Beach. The U. S. Army Corps of Engineers conducts regular beach nourishment activities on the Surfside beach to address the local erosion problems at Surfside that were caused by the construction of the U. S. Naval Weapons Station Seal Beach jetties during World War II and to also allow for the use of those nourishments to "feed" those southerly beaches.

Seal Beach supports the proposed "Mitigation Measures" and looks forward to the ability to consider any future opportunistic beach nourishment projects under the framework proposed by Regional General Permit 67.

If you have any questions concerning this matter, please contact my office at your earliest convenience. I can be reached at (562) 431-2527, extension 300, or by e-mail at jbahorski@ci.seal-beach.ca.us. In addition, please feel free to contact Mr. Lee Whittenberg, Director of Development Services, regarding any technical questions regarding past beach nourishment permitting activities of Seal Beach by the California Coastal Commission or concerns about the proposed Mitigation measures. He can be reached at (562) 431-2527, extension 313, or by e-mail at lwhittenberg@ci.seal-beach.ca.us. Further, Mr. Mark Vukojevic, Director of Public Works/City Engineer would be able to respond to any questions that you may have regarding past operational actions of the City regarding opportunistic beach nourishment projects. Mr. Vukojevic can be reached at (562) 431-2527, extension 318, or by e-mail at mvukojevic@ci.seal-beach.ca.us.

Sincerely,


John B. Bahorski
City Manager

*City of Seal Beach Comments re:
"Initial Study/Mitigated Negative Declaration -
U.S. Army Corps Regional General Permit 67,
Opportunistic Beach Nourishment, Southern California"
November 17, 2005*

cc: City Council
Director of Development Services
Director of Public Works/City Engineer

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENVIRONMENTAL ANALYSIS, MS 27
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 653-7507
FAX (916) 653-7757
TTY (916) 653-4086



*Flex your power!
Be energy efficient!*

November 18, 2005

Mr. Bill Orme
Environmental Scientist
Water Quality Certification and Wetlands Unit
State Water Resources Control Board
Division of Water Quality
1001 I Street, 15th Floor, #55C
Sacramento, CA 95814

RE: Comments on Mitigated Negative Declaration (MND) for U.S. Army Corps of
Engineers Opportunistic Beach Nourishment Regional General Permit 67, 401
Water Quality Certification

Dear Mr. Orme:

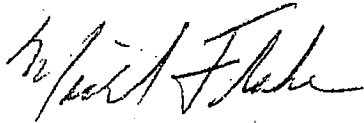
The California Department of Transportation (Department) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) to evaluate the potential environmental impacts associated with the U.S. Army Corps of Engineers (Corps) Los Angeles District (LAD) Opportunistic Beach Nourishment project (project). The project is subject to Regional General Permit 67 (RGP 67), 401 Water Quality Certification (certification).

As you may know, the Department is involved in a major effort to address discharges of storm water to Areas of Special Biological Significance (ASBS). The State Water Resources Control Board (SWRCB) has initiated a program of collecting data related to both discharges and ASBS water quality in preparation for issuing exceptions to allow continued discharge. It appears that some of the ASBS may be impacted by the beach nourishment projects addressed by this MND. In particular, the MND mentions potential impacts to ASBS 17, 21-33. We have an interest in the relationship of ASBS management efforts and beach nourishment projects that may be impacting ASBS.

Mr. Bill Orme
November 18, 2005
Page 2

We support a consistent approach for the management of water quality in ASBS. Our detailed comments are enclosed for you to address. Thank you for the opportunity to comment. Please feel free to contact me directly, or call Keith Jones at (916) 653-2351, if you have any questions.

Sincerely,



MICHAEL FLAKE
Chief
Office of Storm Water Policy

Enclosure

c: Celeste Cantu, Executive Officer
Tom Howard, Executive Officer
Sheila Vassey, Office of the Chief Council
John Ladd, Division of Water Quality
Bruce Fujimoto, Division of Water Quality
Dominic Gregorio, Division of Water Quality
State Water Resources Control Board
Division of Water Quality
1001 I Street
Sacramento, CA 95814

Roger Briggs, Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Mr. Johnathan Bishop, Executive Office
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Mr. Gerard Thibeault, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

Mr. John H. Robertus, Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Attachment

Detailed Comments on Mitigated Negative Declaration (MND) for U.S. Army Corps of Engineers Opportunistic Beach Nourishment Regional General Permit 67, 401 Water Quality Certification

1. Coordinated data collection and consistency with respect to ASBS

We believe that the information collected by applicants for coverage under the Regional General Permit (RGP) would potentially assist in the State Water Resources Control Board's (SWRCB) Areas of Special Biological Significance (ASBS) management program. Because the intent for both programs is to protect the water quality of ASBS, it seems appropriate that the data collection requirements be compatible.

The RGP applicants are required to collect and submit the following information:

- a) *A Draft Sampling and Analysis Plan (SAP) for tiered testing pursuant to the Inland Testing Manual – Evaluation of Dredged Material Proposed for Discharge in the Waters of the U.S.*
- b) *A report on the aesthetic qualities of the proposed discharge material, with a comparison to those qualities of the receiving beach in a qualitative fashion.*
- c) *A Draft Special Aquatic Site (SAS) Survey,¹ including a pre- and post-project Mitigation and Monitoring Reporting Plan (MMRP) for any SAS impacts in the vicinity.*
- d) *A Sediment Budget Analysis that would demonstrate the need for placement.*
- e) *A Biological Impact Report to document how the project would meet the RGP 67 activity restrictions to avoid impacts to plants and animals listed or proposed for listing as threatened or endangered under the federal or California Endangered Species Acts.*
- f) *A Transport and Discharge Plan that details the operational procedures for the transport and discharge for all sediments.*

¹ For purposes of RGP 67, SASs are defined to include eelgrass beds, high-relief reef and low-relief vegetated reefs, with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass.

Storm water dischargers to ASBS who wish to continue the discharge with an exception are required to submit the following information:²

- a) *Information that shows that allowing the discharge of storm water runoff to continue will not compromise protection of ocean waters for beneficial uses. Note that one beneficial use is the preservation and enhancement of ASBS, which are defined as "those areas designated by the [State Water Board] as requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable." This means that any data that you may have on the status and description of marine life in the ASBS, and on the natural background of the ASBS, are relevant and must be submitted. At a minimum, you must submit a representative, quantitative description of marine life from at least one location within each Regional Water Quality Control Board (Regional Water Board) region near the discharges and, if available, at a reference location away from the discharges.*
- b) *An assessment of all available historical data on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria in the runoff and in the ambient marine waters of the ASBS. Similar representative information may be supplied for locations that may not drain to an ASBS but are of a similar character (e.g., land use and traffic characteristics). At a minimum, the information must include the measurement of a representative sample within the last two years or the upcoming storm season (runoff and adjacent marine receiving water) during a storm event for each of the following constituents:*
- *Total Ocean Plan metals;*
 - *Polynuclear aromatic hydrocarbons (PAHs);*
 - *Oil and grease;*
 - *Ammonia nitrogen;*
 - *Acute toxicity for a marine species;*
 - *Critical life stage (chronic) toxicity for three marine species;*
and
 - *Indicator bacteria including total coliform, fecal coliform (or E. coli), and Enterococcus*

² This list of data requirements is taken from the SWRCB's letter of August 18, 2005 (Mr. Stan Martinson) to the Department (Mr. Michael Flake). Very similar data requests were made to the other ASBS dischargers.

- c) *Compliance history for drainages into the ASBS, specifically including any spills, upset events, or sediment discharges that resulted in the discharge of toxic or otherwise prohibited substances.*

It is not clear whether the two data collection efforts are compatible with respect to management of ASBS. The data required for an exception is intended to demonstrate that natural water quality will be maintained. The Biological Impact Report for RGP 67, for example, is only focused on avoiding impacts to listed plants and animals under the federal or California Endangered Species Acts. The RGP 67 data requirements do not appear to include the receiving water sampling or the representative, quantitative description of marine life. It would seem appropriate for the RGP 67 projects in the vicinity of ASBS to collect the same data and have the same goals required for applicants with exceptions for discharges to ASBS.

4.1

2. Inconsistency in management approach

Storm water dischargers to ASBS who wish to continue the discharge with an exception are required to demonstrate that they maintain natural water quality in the ASBS.

However, any exception is likely to include minimizing or eliminating dry weather flows, and reducing pollutants draining to ASBS to maintain natural water quality in the receiving waters. In the meantime, you are requested to plan for and institute best management practices to eliminate or minimize dry weather flows and to reduce pollutants in storm water runoff.³

Inevitably, beach replenishment causes increased turbidity and will almost certainly degrade benthic communities (i.e., smother them). How is it appropriate that one program (ASBS management) prohibits the discharge of wastes, including sediment, while another program (RGP 67) actively promotes sediment addition? It is not clear how RGP 67 projects will address the Ocean Plan prohibition, unless they receive an exception to the Ocean Plan. It is also not clear how an exception could be granted.

4.2

4.3

3. Potential impacts to ASBS by RGP 67 projects, as identified in the Draft Initial Study (IS) for the Mitigated Negative Declaration

³ Board letter of August 18, 2005, previously cited.

The Initial Study does not appear to fully address the potential impacts in the context of the Ocean Plan's prohibition of waste discharge to ASBS and the requirement to maintain natural water quality:

4.4

CHAPTER 2. (PDF page 10) "Discharges of sediment shall not occur directly into an ASBS without approval from a Regional Water Board pursuant to the California Ocean Plan, Section III (E). Turbidity plumes from sediment deposition outside of an ASBS shall not alter natural water quality or harm the marine aquatic life in an ASBS."

We do not understand how a discharge of sediment could be made to an ASBS without inevitably altering natural water quality or harming the marine aquatic life. Why does this section not reference the same data requirements applicable to those that must seek an exception in order to continue ASBS discharges?

4.5

Section VIII of the MND concludes that there is will be less than significant impacts to water quality. This statement is questionable due to the anticipated volume of sediment that may be discharged to ocean waters. Section VIII states,

4.6

CHAPTER 3. (PDF page 42) The proposed discharges of dredge or upland-derived fill materials for the purpose of beach nourishment would result in turbidity plumes of variable dimensions...Turbidity impacts may cause short-term, less than significant impacts to water quality and wildlife habitat and would return to baseline conditions once discharges were complete.

This project does violate water quality standards or waste discharge requirements as defined by the California Ocean Plan. We disagree on the determination that the project will result in "less than significant impact." Further Page 37, Discussion a) states,

4.7

"The provisions of the RGP would ensure that the materials suspended through discharge would be clean, beach-quality sand material and beneficial for the environment and public."

This statement is a concern, as the MND does not appear to provide guidelines on what is deemed "clean" sand material. The California Ocean Plan has the following stringent water quality objectives: *"the discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface, natural light shall not be significantly reduced at any point outside of the initial dilution zone, and the rate of deposition of inert solids and the characteristics of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded."*

Page 36 -17, Section VIII has no discussion on potential impacts to ASBS sites. This should provide conditions or evaluate the potential impacts should beach replenishment activities be at or near ASBS sites.

4.8

4. Potential impacts to State Highway Facilities by RGP 67 projects, as identified in the Draft Initial Study (IS) for the Mitigated Negative Declaration

XV. TRANSPORTATION/TRAFFIC checklist states,

Would the project: Cause a substantial increase in traffic, in relation to existing traffic and the capacity of the street system (i.e., a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Transportation/Traffic does not appear to discuss the potential impact of truck traffic because of the need to transport upland-material for beach replenishment. The Department has concerns on the truck traffic and the potential wear on the roadway especially the use of SR-1 to access the beach locations. The coastal roads are narrow and are not typically designed to handle large truck traffic. The Department disagrees with the determination that the project would cause less than significant impact on transportation and traffic.

4.9

5. Summary of RGP 67 Mitigation Measures

Summary of RGP Mitigation Measures (PDF page 56) discusses locations of potentially impacted ASBS that shall be identified in the SAS and addressed in the MMRP. It is not clear, however, whether these are the same data requirements applicable to other discharges to ASBS. The SAS locations are a very limited subclass of potentially impacted biological resources.

4.10

From: Clif Davenport
California Geological Survey
Project Manager
Coastal Sediment Management Workgroup

Hi Bill,

Here are some thoughts on the MND. I offer them on behalf of myself and they don't necessarily reflect a consensus opinion of the CSMW. The RGP is a very important document, as it will help facilitate a more timely and systematic response to eroding areas along our coastline. As I understand the intent of RGP 67, it is meant to facilitate processing of smaller projects that aren't expected to have much impact. This should provide for agency staff to concentrate on the larger, perhaps more difficult projects. Some of my comments relate to the potential effect of the RGP on the SCoup process and projects, which are meant to facilitate regional uses of appropriate upland sediment for ongoing, small beach nourishment projects, and streamlining of projects.

1- RGP 67 provides for using upland materials (p. 5) but also indicates that upland materials are to be placed in the surf zone (#3, p. 9) to facilitate sorting of sediment, which means the finer grained materials will move out into the nearshore and only the coarser grains move up onto the shore. Pre-discharge condition #1 requires the source material to be within 10% of the recieving beach, and then provides an example regarding fines on the beach. This could be potentially confusing and actually severely limit the number of small projects that would qualify for the RGP, dependant on how the term "beach" is defined. If the term "beach" refers to the "dry" beach (ie above MHW) where fines are typically < 5%, then most projects utilizing upland sources (and perhaps many dredging projects as well) may not qualify for the RGP due to fines content > 15%. However, if the terms "recieving beach" and "beach" actually refer to the entire reciever site, which includes the nearshore as well as the dry beach, and pre-existing grain size information is collected along a "profile" from the back beach to closure depth, then deposition of upland source material into the surf zone makes technical sense. In other words, for upland materials placed in the surfzone, the percentage of allowable fines should relate to the reciever site profile, not the "dry" beach. A similar argument would apply to nearshore placement of dredged materials.

5.1

2- Similarly, i would suggest that the RGP provide for a standardized approach to characterizing reciever site grain size distribution, utilizing a profile analysis and specified number and size of sieves to truly understand pre-existing conditions everywhere the nourishment materials will end up residing. The SCoup document provides such approach.

5.2

3- Part of CSMW's mission is to gather disparate types of information that would be useful for sediment management decision-making. It would be helpful if pre-project site assessment reports were provided to CSMW or its designee for eventual updating of CSMWs statewide geographic data base.

5.3

4- I understand that the MND is meant to cover "small" projects- those where adverse impacts are expected to be minimal or non-existent. It would be helpful to have some idea of what constitutes small. One response has been projects with < 100,000 cubic yards (and 100,000-1,000,000 defined as mid-sized and large projects as greater than 1 million yards). However, this approach doesn't take into consideration the potential presence of natural resources, wave energy, etc. It might be worthwhile to consider a range of volume (such as 10-100,000) with the caveat that if the project size is in the upper range, project design should include modeling that predicts burial levels below some appropriate level set by the project biologist to preserve resources. Staging (ie smaller volumes placed periodically to minimize adverse conditions) could also be a qualifier for project size.

5.4

5- Environmental issues, Aesthetics: just an observation that some projects may need to operate at nighttime to meet schedule or other requirement.

5.5

6- Page 25, Ponto Beach discussion: wasn't the volume of placed sediment 20,000 cubic yards (vs the 10,000 mentioned therein)?

5.6

Thanks again for all your efforts to get this important document out. Please contact me with any questions you may have.

Cheers,

Clif Davenport
California Geological Survey
Project Manager
Coastal Sediment Management Workgroup
135 Ridgway
Santa Rosa, CA 95401
707 576-2986

From: Lesley Ewing
Sent: Tuesday, November 22, 2005 4:35 PM
To: 'Davenport, Clifton'; CSMW (E-mail)
Cc: Bill Orme (E-mail)
Subject: RE: CSMW: Commenting on Regional General Permit for Beach Nourishment

I have some comments that I'll see if we can develop at the staff level into something official; albeit late. Those comments are not major, but if we can get them to the Water Board soon, I'll try to do that.

For some general, non-Commission official comments, I'd like to see this coordinated better with the CSMW efforts. For example, if all the required studies were to be submitted electronically and to provide a georeferenced code for the study site, then they could become part of the GIS project that is being developed for RSM. (Pardon all the initials, but I think everyone knows what they mean.) This would have two benefits. The first is that it would make the data more available. The second is that another step in the pre-project conditions could be to check the GIS for any projects in the same general area, or with the same general species concerns. Eventually this second step should prove to be a time saving element as more and more reports are added to the GIS project.

6.1

My second non-Commission official comment relates to Pre-Project Condition #6 that requires a detailed Sediment Budget Analysis. The condition states, "The applicant should be able to demonstrate a net loss of sediment" It seems to me that the RSM effort is trying to get away from site-specific concerns and working towards identification of management efforts that provide for the best use and placement of acceptable sediment throughout the littoral cell. I'd like to see this condition allow for placement of nourishment quality sediment in those areas identified by an RSM effort as being acceptable receiver sites, regardless of erosion conditions.

6.2

Lesley Ewing

From: "Larvie, Kelly" <Kelly.Larvie@fire.ca.gov>
To: "Burnam, Joshua L SPL" <Joshua.L.Burnam@spl01.usace.army.mil>,
"Lesley Ewing" <lewing@coastal.ca.gov>, "Davenport, Clifton"
<Clifton.Davenport@fire.ca.gov>, "CSMW (E-mail)"
<csmw@ceres.ca.gov>
Date: 1/23/2005 9:38:25 AM
Subject: RE: CSMW: Commenting on Regional General Permit for Beach
Nourishment

I agree with Lesley: the inclusion of one x,y coordinate should be required. It's not that hard, and would accomplish many things, as Lesley pointed out.

7.1

-Kelly



10260 Campus Point Court, MS D-4
San Diego, CA 92121
greenka@saic.com
Tel: (858) 826-4939, Fax: (858) 826-2735

To: Mr. Bill Orme, Environmental Scientist
Water Quality Certification and Wetlands Unit
Division of Water Quality, State Water Board
1001 I Street, 15th Floor, #55C
Sacramento, CA 95814

From: Karen Green

Date: November 21, 2005

Subject: Requested review of RGP 67 LAD Corps Draft IS/MND

The intent of RGP 67 to streamline permitting for beach nourishment activities is fully supported. The following recommendations are offered to improve the intent to protect biological resources during implementation of RGP 67. These recommendations are offered based on brief review and consideration of language in the RGP and MND, and represent solely my opinion based on this cursory review and do not necessarily represent the opinion of SAIC.

Impact Assumptions of RPG 67 and MND

Project volume and duration of construction should be specified for qualifying for RGP 67. Many impact assumptions of the RGP and MND apply to small projects that are completed over a few days. This is implied by the discussion of short-term turbidity and sedimentation consisting of only a fine layer of burial, typically less than an inch based on evaluation of the Ponto Project. Higher volume projects extending for a week or more would not be expected to meet those same assumptions. This should be clarified in the RGP and/or the RGP limited to small projects that meet criteria based on volume considerations. Because the potential for adverse impacts also relates to what biological habitats and resources occur in the project vicinity, it may be appropriate to consider different volume thresholds in the definition of small projects that are located near versus far from sensitive aquatic sites.

8.1

Turbidity

It is recommended that guidance be given as to what defines a significant plume since visual observations of turbidity will be subjective. Besides the environmental conditions listed, turbidity plume observations also may be affected by time of day, sun angle, cloud cover, and plankton blooms. Because environmental conditions have the potential to substantially affect observer ability to assess turbidity plumes, it is recommended that

8.2

this method be augmented by measurements of turbidity if a project lasts more than a few days (i.e., if mid to large size projects are allowed under the RGP).

It is recommended that any required turbidity measurements be standardized with specification of monitoring locations along a distance gradient up and downcurrent of the project activity, frequency of monitoring, and include biologically relevant measures (e.g., water clarity, light transmission, total suspended solids) as appropriate to the biological resources potentially affected within the project area of influence. A standardized monitoring form is recommended since waste discharge requirement (WDR) monitoring specifications have differed among Regional Boards for projects involving beach nourishment over the past ten years.

Grunion

Mitigation Measure Bio-2 may not be warranted if beach habitat is unsuitable for grunion spawning. It is recommended that the measure be modified to include evaluation of habitat suitability. In addition, I recommend more guidance be given on when to monitor. Finally, it is recommended that pre-coordination with CDFG be conducted to determine appropriate protective measures should grunion be observed during monitoring. The following language is offered for consideration.

8.3

- Evaluate beach receiver sites for potential habitat suitability for California grunion spawning based on physical substrate characteristics (sand depth, cobble or other hard substrate cover) and beach width (i.e., available sand habitat above the average neap high tide line associated with the project schedule). Habitat suitability should be evaluated 30 days before any scheduled placement activity because suitability may vary seasonally; that is, become more suitable between spring and summer as sand accretion occurs. No additional monitoring for grunion will be required for beaches considered to have unsuitable habitat (narrow beach without sand above average neap high tide line and/or insufficient sand depth (e.g., < 5 inches) to support successful spawning activity). If beach habitat is considered potentially suitable for grunion spawning, additional monitoring will be required consistent with Mitigation Measure Bio-2.
- Mitigation Measure Bio-2 – If beach nourishment activities occur during March and August, a qualified monitor will observe the beach for evidence of grunion spawning during predicted grunion runs (according to grunion calendar produced by the CDFG) occurring two to three weeks prior to construction and during construction. Monitoring is to be conducted for three nights during each predicted grunion run period. Monitoring is to be initiated on the second night after a new or full moon and continue on the next two nights. The monitoring period should extend from 1 hour before the peak high tide to 2 hours after the peak high tide (i.e., at least 3 hour duration monitoring period). If grunion are absent, no further action is needed. If grunion are present, the number of grunion will be estimated within the project area according to the Walker Scale (attached), and consultation with CDFG will be required to determine the appropriate measures to avoid significant impacts to grunion spawning. Appropriate potential protective measures (e.g., halt, redirect work zone, construct protective dike) are to be pre-determined with CDFG and included in the monitoring plan. Required consultation with CDFG (i.e., if grunion present prior and/or during construction), will be for the purpose of selecting which of

the pre-approved protective measures are appropriate based on monitoring results. A monitoring report shall be prepared that specifies methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures.

Special Aquatic Site

It is recommended that any project with the potential to adversely impact sensitive aquatic sites (SAS resources as defined in RPG; i.e., eelgrass beds, vegetated reefs with giant or feather boa kelp, large sea fans, sea palms, surfgrass) either must satisfy a definition of a small project or be handled through a Standard Individual Permit for the following reasons:

8.4

- The Ponto project example given in the RGP was for a small project and assumptions regarding potential sedimentation burial of less than one inch do not apply equally to projects with larger volumes. Sedimentation thickness and the distance within which undesirable thickness may occur (relative to SAS resources) relate to project volume, grain size characteristics, wave climate, and local bathymetry and presence of structures (e.g., reefs). Furthermore, the potential to cause adverse impact also relates to duration and thickness of burial. This is because SAS resources have different adaptations for surviving sedimentation effects characteristic of the dynamic nearshore environment. These analyses are not standard practice and typically require resource agency concurrence of impact evaluation. Therefore, additional analyses and evaluation required to determine the potential for adverse impacts associated with larger projects would be more appropriately covered under a Standard Individual Permit. Consequently, if SAS resources occur in the area, the RGP should be limited to projects that satisfy small volume requirements (i.e., no potential for adverse sedimentation).
- Determination of impact to SASs and potential need for additional monitoring based on comparison of a 30-day post-construction survey with a pre-construction survey of SASs may be insufficient for determining potential impacts. Burial sedimentation may occur not only from direct placement but also from indirect sedimentation associated with sediment transport from a receiver site. Indirect sedimentation thickness and duration will depend on project volume and environmental conditions as mentioned above. The time frame over which downcurrent SAS resources may be impacted could exceed 30 days with many scenarios related to project volume and distance to SAS resources. Thus, there is substantial risk of missing potential impacts that may warrant further monitoring based on pre- and post-construction monitoring requirements as specified in the RGP. Note that this issue applies to projects with the potential to result in substantial sedimentation thickness but not to small projects with insufficient volume to represent a concern.

- Determination of adequate mitigation for impacts to SAS resources after monitoring is completed may result in unmet expectations of providing adequate protection of sensitive aquatic resources. It is recommended that definition of what constitutes significant impact and appropriate mitigation in the event of significant impact to SAS resources be specified prior to project implementation. Monitoring should be designed to provide data necessary for determining whether significant impacts occur (as specified prior to implementation). Note that this issue applies to projects with the potential to result in substantial sedimentation thickness and not small projects with insufficient volume to represent a concern. For this reason, projects requiring post construction monitoring to determine impact and need for mitigation should probably be covered under a Standard Individual Permit.

Snowy Plover

The RGP assumption that project beaches are routinely maintained by earthmoving equipment may not apply in all instances where a project is desired. Therefore, additional protective measures may be appropriate for snowy plover at locations where they occur. The following clarifications are recommended for inclusion in protective conditions for snowy plover:

8.5

- Buffer distance criteria and protective measures for avoidance of wintering concentrations of snowy plover should be specified prior to construction (in consultation with the USFWS) and a qualified monitor should be present during construction to ensure appropriate implementation of pre-approved protective measures on beaches within critical habitat frequented by snowy plover or at beaches with potential high use to ensure that concentrations of the birds are avoided.
- No burying of kelp or other marine vegetation that provides forage base for western snowy plover should be clarified to include that on the beach. Snowy plover may feed on invertebrates associated with kelp wrack washed onto the beach.

California least tern

The potential to impact least tern foraging near breeding colonies relates to the nature and duration of turbidity plumes. Turbidity that is confined within the surf zone should not affect foraging least terns since they forage outside the breaker zone. Monitoring during several beach nourishment projects indicate turbidity plumes often are within the surf zone, although rip currents may on occasion carry turbidity beyond the breaker zone (e.g., SANDAG Regional Beach Sand Project, Goleta Beach BEACON Demonstration Project, Surfside-Sunset Project). Therefore, the distance restriction may be overly conservative, particularly for small projects of limited duration. It is recommended that the protective condition be modified as follows:

8.6

- No activities will be conducted within 1,000 yards of a California least tern breeding colony from April 1 through August 30 unless the following mitigation measure is implemented.
- If project activities are conducted within 1,000 yards of a least tern breeding colony from April 1 through August 30, turbidity plume, water clarity, and least tern monitoring will be required for the area outside the surf zone. If observations indicate substantially reduced water clarity (e.g., < 3 ft Secchi disk depth) and/or suggest adverse impacts to foraging (e.g., avoidance of area, unsuccessful foraging dives), the USFWS will be notified and corrective actions taken consistent with pre-approved specifications in the monitoring plan. Appropriate potential corrective actions (e.g., operations halted and/or modified to reduce turbidity) are to be pre-determined with USFWS and included in the monitoring plan. Any required consultation with USFWS during construction will be for the purpose of selecting which of the pre-approved corrective actions are appropriate based on monitoring results. A monitoring report shall be prepared that specifies methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures.

Other Recommendations:

- Pismo clam beds occur in localized areas due to limited larval dispersal capabilities. It is recommended the substantial Pismo clam beds be included in the definition of SAS resources.

8.7

Other Notes:

The RPG references the Ponto project as having a 10,000 cy volume; review of the cited paper (i.e., Sherman et al. 1998) specifies 20,000 cy.

It is recommended that the term "downcurrent" rather than "downcoast" be used when referencing monitoring areas, since downcoast is not always equivalent to downcurrent from the discharge.

From: Kim Sterrett
Public Beach Restoration Program
CA Department of Boating and Waterways

To: Bill Orme,

In section 2.5 Description of RGP and under Proposed Special Conditions acceptable beach fill material is defined as sand with a fines fraction within 10 percent of the receiver beach. Fine grained material on beaches fall between 0 - 5%, and is typically on the order of 2-3%. This new definition falls well under what is considered acceptable at the present which is the 80-20 rule. A more realistic standard would be to test the aggregate grain size of the active beach, typically thought to exist between +12 ft and - 36 ft MLLW, and then add 10 % to that number. Under the proposed scheme, it would be extremely difficult to find sediment anywhere that would meet the new criteria.

9.1

Cheers
Kim Sterrett
Public Beach Restoration Program
CA Department of Boating and Waterways
2000 Evergreen St., Suite 100
Sacramento, CA 95815
916.263.8157 ph
sterrett@dbw.ca.gov

From: Chris Webb, Senior Coastal Scientist
Moffatt & Nichol

Hi Bill – Below are some comments that apply to the CEQA document for RGP 67.

1. A definition of "sand" should be clearly stated, either by a grain size classification or other suitable means. See the attached grain size classification figure for an example. 10.1
2. We suggest increasing the grain size compatibility to 65% sand and up to 35% fines based on natural sediment yield processes. This increase will provide broader opportunities, particularly if the quantities of initial fills are limited to small projects (i.e., total volume of fines in a small project could be less than a larger project with more limited fines percentage). 10.2
3. It is unclear what is meant by "and less than 10% sand difference from the receiving beach." What is defined as "sand"? It has been our understanding that the "10% Rule" defines that source sand should be within 10% of the fines (percent passing the No. 200 sieve) of the receiving beach. 10.3
4. It is our recommendation that the receiving beach be analyzed across the entire littoral zone profile (approximately +12 to -30 ft MLLW). Grain sizes can vary from near 0% fines at the surf zone to up to 30%+ fines near the depth of closure (typically around -30 ft MLLW). We recommend characterizing the grain size of the receiver beach using a grain size envelope based on taking a composite grain size curve of the coarsest fraction and the finest fraction of the samples collected across a beach profile. This envelope then brackets the range of sediment grain sizes found on the beach and is suitable for comparing against the source material. 10.4
5. The Project Description states that the project shall "have no negative aesthetic impact on the receiving beach." Does this also include short-term aesthetic impacts relating to project construction? If not, then this should be addressed. Aesthetic impacts can be minimized by pushing dark-colored material directly into the surfzone. 10.5
6. It is implied that chemistry testing of the receiver site will be required. Chemistry testing of the receiving beach is likely not necessary due to the lack of sources at most sites and the effectiveness of littoral processes to disperse materials and constituents broadly throughout the littoral zone. Sampling and testing of littoral sediments may be costly and potentially prohibitive for many opportunistic projects. Chemical testing of the receiver site was not required for projects at:
 - Seal Beach (1995 and 1998); 10.6

- San Diego Regional Beach Sand Project (SANDAG 2001);
 - Surfside/Sunset Beach (1990, 1995, and 2001 by the USACE);
 - Newport Beach from the Santa Ana River (1992 and 2004 by the USACE);
 - Goleta Beach (2003 by BEACON);
 - Solana Beach (1996 by the City of Solana Beach);
 - Carlsbad Ponto Beach (1996 by the City of Carlsbad);
 - Ponto Beach (1995 by the USACE); and
 - San Clemente (to occur in early 2005 by the City of San Clemente)
7. It is recommended that upland source material also be considered for placement on the beach, below the Mean High Tide line. At low tide, the material could be pushed as far seaward as possible and left in a low berm below the existing beach berm so that it can be reworked by waves during the following rising tide. The fines will be rapidly winnowed out of the material by waves and currents and carried offshore and sand will be left behind. This is much less expensive and likely more effective than slurrying the material into the nearshore.
8. It is recommended to also consider placement of opportunistic materials as a dike along the back of the beach at the toe of existing cliffs if the material is similar to the existing cliff sediments. This placement scenario would provide some additional protection to the existing cliff toe, which in some areas would be extremely beneficial to the upland development.
9. It is recommended to evaluate the equipment staging area on a case-by-case basis. Prohibiting equipment staging within 500 feet of each site may be too constraining for some sites. For example, an opportunistic beach fill is proposed for Surfers Point in Ventura, and the equipment staging area is proposed at a parking lot that is approximately 200 feet from the mean high tide line. This is possible because the parking lot is elevated above the reach of tides and waves, and protected from waves by revetment. Also, the stockpile and staging location at Hueneme Beach is approximately 200 feet from the mean high tide line, and is also elevated above the reach of waves and tides, and protected from waves by revetment. Some sites may be more amenable to different requirements.

10.7

10.8

10.9

Thanks,
-Chris

Chris Webb, Senior Coastal Scientist
Moffatt & Nichol
3780 Kilroy Airport Way, Suite 600
Long Beach, CA 90806
Phone (562) 426-9551
Fax (562) 424-7489
e-mail: cwebb@moffattnichol.com